

**Probation Committee  
Judicial Conference of Indiana**

**May 7, 2004**

**Minutes**

The Probation Committee of the Judicial Conference of Indiana met at the Indiana Convention Center in conjunction with the Probation Officers Annual Meeting on May 7, 2004 from 12:00 p.m. to 2:00 p.m.

1. **Members present.** The following members of the committee were present: Thomas Perrone, Mark Stoner, Liz Pease, Douglas R. Bridges, Darrin Dolehanty, and Jerome Kearns.
2. **Staff present.** Jane Seigel, Jenny Bauer, Bob Champion, and Michelle Goodman provided staff assistance to the committee.
3. **Approval of minutes.** The minutes from the January, 2004 meeting were approved.
4. **Probation administration issues.**
  - a. Annual Meeting. Bob Champion reported that the 2004 Probation Officers Annual Meeting was held at the Convention Center May 6 and 7, and just concluded. The Judicial Center has received many positive comments about the conference already. The keynote speaker for the Annual Meeting was comedian Mike Armstrong, who also did a session on keeping humor in a stressful job.
  - b. Applications to become a probation officer. Bob Champion reported that the Committee's requirement that probation officer's submit photo ID with applications and to gain entrance to the exam is now in place and being followed by new probation officers.
  - c. Compact training. Jane Seigel reported that the Judicial Center conducted its first training on the new Interstate Compact rules on May 6<sup>th</sup> in conjunction with the 2004 Probation Officers Annual Meeting. Close to 200 people attended the training from Indiana's adult probation departments. The training session lasted for 3 hours and was conducted by Jane Seigel, Bob Champion and Jenny Bauer from the Judicial Center, as well as Art Hegewald from DOC. The Judicial Center will do in-depth regional trainings on the new Compact rules in July. Ms. Seigel explained that the new rules become effective

August 1<sup>st</sup>. The rules make a significant change for eligibility of misdemeanants (not eligible if sentenced to less than one year of supervision), but do not yet address the issue of counties that border another state (issue of crossing state line for employment). The National Commission meets in October in Atlanta.

5. **Legislation.** Jenny Bauer reported that several bills relating to probation became law in the 2004 session of the General Assembly. She highlighted two parts of HEA 1437 that became home to bills that had died in the House during the “stand-off”. These two sections were originally part of SB 233. One section of HEA 1437 amends IC 35-50-5-3(c) to allow trial courts to order restitution paid to probation departments as a condition of probation and for the probation department to pay the money directly to the victim. The other section amends IC 35- 42-4-6(a) (battery by body waste) to include employees of Circuit, Superior, Probate, County, City and Town Courts in the definition of correctional employee. Ms. Bauer also distributed a summary of Indiana case law from the last year involving probation issues.

6. **Salary Schedule Issues.**

a). Michelle Goodman distributed the 2005 salary schedule and explained that the numbers show a 2% increase over the 2004 salary amounts as a result of the increase received by state judicial employees.

b). The Committee discussed the issue of credit for continuous years of service, and requested Jenny Bauer and Michelle Goodman to draft language that makes it clear that continuous service as a probation officer in Indiana counts for purposes of the salary schedule regardless of whether the service was in more than one county.

c). The Committee discussed whether the definition of “salary” should be included on the schedule, and requested Michelle Goodman to draft language for their review.

d). The Committee reviewed the “years” breakdown on the salary grid and requested that Jenny Bauer and Michelle Goodman draft a grid that is more in line with the premise that it is based on years of experience.

e). The Committee again discussed the issue of probation departments that do not have chief probation officers. The Committee agreed that these probation departments are not in compliance with the salary schedule (#7 on page 2 of the schedule states: “Each probation department shall have a chief probation officer”), and requested that Chair John Surbeck send a memo to these departments to inform them that they are out of compliance.

7. **Risk Assessment Update.** Michelle Goodman reported that the Hot Topics subcommittee of the Probation Officers Advisory Board is currently studying other risk assessment instruments and will report to the Board at its next

meeting. The Judicial Center will seek a technical assistance grant from the National Institute of Correction to assist in this process.

8. **Process for recusal of probation department.** Jenny Bauer reported that several probation departments have called the Judicial Center inquiring as to whether there is a process for when a probation department needs to recuse from a case. The Committee discussed that there are no rules or statutes that set forth a formal procedure for recusal and that judges could do orders in these situations.
9. **Next meeting.** The next meeting of the Probation Committee is scheduled for July 23, 2004.

Respectfully submitted,

Jenny Bauer  
Staff Attorney